

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DANIEL HAYDEN §
v. § CIVIL ACTION NO. 6:07cv244
HENDERSON COUNTY JAIL, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Daniel Hayden, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On June 4, 2007, Hayden was ordered to pay the statutory filing fee or to submit an application for leave to proceed *in forma pauperis* which was accompanied by a certified inmate trust account data sheer, as required by 28 U.S.C. §1915(b). In a separate order, Hayden was directed to file an amended complaint setting out his claims with more factual specificity.

When Hayden failed to comply with either of these orders, the Magistrate Judge issued a Report on July 18, 2007, recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Hayden received a copy of this Report on July 27, 2007, but filed no objections thereto; instead, on August 13, 2007, he sent a letter to the Court which made no mention of the Magistrate Judge's Report, but consisted of a rambling and incoherent dissertation on topics ranging from inchoate allegations of retaliation, assertions that he has not been convicted of a crime and only half of the crimes on his record are his, to discussions of a kidnapping which apparently took place during a March of Dimes walkathon and a reference to the Four

Horsemen of the Apocalypse in the biblical Book of Revelation. Even were this letter construed as objections to the Magistrate Judge's Report, it would plainly have no merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the original complaint, the Report of the Magistrate Judge, and the letter filed by the Plaintiff following his receipt of this Report. Upon such review, the Court has determined that the Magistrate Judge's Report is correct and that to the extent that the Plaintiff's letter may be construed as objections, such objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Rule 41(b), Fed. R. Civ. P. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 29th day of August, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**